



KELLEY CAWTHORNE

ATTORNEYS &
GOVERNMENT
RELATIONS
COUNSELORS

MEMORANDUM

TO: House Commerce Committee Members
FROM: James G. Cavanagh, Kelley Cawthorne, PLLC
DATE: October 18, 2005
RE: Negotiations for HBs 4262 and 4311

*Frank J. Kelley
Dennis O. Cawthorne
Patrick H. McCollough
James G. Cavanagh
Steven D. Weyhing
David Gregory*

HISTORY OF NEGOTIATIONS AND REASONS FOR OPPOSITION

GOVERNMENT
RELATIONS
COUNSELORS

*Rob Elhenicky
Dave Ladd
Melissa Yutzy Bourke*

*On June 23, 2005 the House Commerce Committee met to consider House Bills 4262 and 4311. These bills amend the Construction Code and Occupational Code to allow an interior designer to be considered a "design professional" for the purpose of obtaining a building permit and to license interior designers with a defined scope of practice.

**The licensing bill (HB 4311) would create a new state board of interior design and add a new article to the Occupational Code.

**The American Institute of Architects of Michigan (AIA/MI), the Michigan Society of Professional Engineers (MSPE), and the American Council of Engineering Companies (ACEC-MI) oppose these bills because they would among other things, create a practice of interior design very similar to some of the activities lawfully conducted by a licensed architect and they would create more government when there is not a compelling need to do so.

**While AIA/MI, MSPE and ACEC-MI opposed the bills, they pledged to negotiate in good faith to try to resolve differences. This they have done.

**The chief complaint of interior designers was that they needed to have an architect or professional engineer submit plans to building officials in order to obtain a building permit for their (interior designers) designs. The three organizations pledged to see if they could rectify this concern.

**The groups met on June 30, 2005. At that time AIA/MI, MSPE and ACEC-MI proposed to work for an amendment to the International Building Code (a regulation) which would exempt what interior designers do from the requirement of having to obtain a permit. The proposal to alleviate the situation

through regulation was rejected by interior designers and AIA/MI, MSPE and ACEC-MI were requested by legislative staff conducting the meeting to submit a legislative as opposed to a regulatory proposal.

**On July 6, 2005 two legislative proposals were submitted by AIA/MI, MSPE and ACEC-MI. The first was a rewrite of HB 4262 and legislatively exempted interior design work from the necessity of having to obtain a permit. The second proposal was a rewrite of HB 4311 without a defined scope of practice.

**These two proposals were consistent with the position taken by AIA/MI, MSPE and ACEC-MI at the June 23 Commerce Committee meeting, but the construction code rewrite was an attempt to solve the stated problem of interior designers. Namely, that they could not obtain building permits for their designs.

**Representatives from interior design groups had these proposals for nearly a month before another meeting was scheduled.

**The groups met two other times in August in an effort to resolve their differences. Both the proposal to amend the Construction Code and the rewrite of HB 4311 were rejected by interior design.

** At the last meeting held on August 24, AIA/MI, MSPE and ACEC-MI were informed that in all likelihood at least HB 4311 would be substituted to require registration with a defined scope of practice for interior designers

**It should be noted that during the negotiating process it was AIA/MI in particular that put forth all proposals in an effort to reach compromise..

On behalf of the design professional associations our firm represents, I thank the Committee Chair and the Minority Vice Chair and their staffs for facilitating negotiations. It is unfortunate that the parties could not agree as the proposal before you is **not the product of compromise. However it should also be noted for the record that negotiations were conducted by the architects and professional engineers in a good faith effort to resolve fundamental differences between the parties.

Thank you for your patience and consideration of our opposition to the bills before you today.